United Nations A/RES/57/219

General Assembly

Distr.: General
27 February 2003

Fifty-seventh session
Agenda item 109 (*b*)

Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/57/556/Add.2 and Corr.1-3)*]

57/219. Protection of human rights and fundamental freedoms while countering terrorism

The General Assembly,

Reaffirming the purposes and principles of the Charter of the United Nations,

Reaffirming also the fundamental importance, including in response to terrorism and the fear of terrorism, of respecting all human rights and fundamental freedoms and the rule of law,

Recalling that States are under the obligation to protect all human rights and fundamental freedoms of all persons,

Recalling also the relevant resolutions of the General Assembly and the Security Council on measures to eliminate international terrorism,

Recalling further its resolution 48/141 of 20 December 1993 and, inter alia, the responsibility of the United Nations High Commissioner for Human Rights to promote and protect the effective enjoyment of all human rights,

Reiterating paragraph 17 of section I of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993,[1] which states that acts, methods and practices of terrorism in all its forms and manifestations are activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening territorial integrity, security of States and destabilizing legitimately constituted Governments, and that the international community should take the necessary steps to enhance cooperation to prevent and combat terrorism,

Noting its resolution 56/160 of 19 December 2001 and noting also Commission on Human Rights resolution 2002/35 of 22 April 2002,[2] on human rights and terrorism,

Reaffirming its unequivocal condemnation of all acts, methods and practices of terrorism, in all their forms and manifestations, wherever and by whomsoever

[1] A/CONF.157/24 (Part I), chap. III.

[2] See *Official Records of the Economic and Social Council, 2002, Supplement No. 3* (E/2002/23), chap. II, sect. A.

committed, regardless of their motivation, as criminal and unjustifiable, and renewing its commitment to strengthen international cooperation to prevent and combat terrorism,

Stressing that everyone is entitled to all the rights and freedoms recognized in the Universal Declaration of Human Rights[3] without distinction of any kind, including on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling that, in accordance with article 4 of the International Covenant on Civil and Political Rights,[4] certain rights are recognized as non-derogable in any circumstances and that any measures derogating from the provisions of the Covenant must be in accordance with that article in all cases, and underlining the exceptional and temporary nature of any such derogations,

1. *Affirms* that States must ensure that any measure taken to combat terrorism complies with their obligations under international law, in particular international human rights, refugee and humanitarian law;

2. *Encourages* States, while countering terrorism, to take into account relevant United Nations resolutions and decisions on human rights, and encourages them to consider the recommendations of the special procedures and mechanisms of the Commission on Human Rights and the relevant comments and views of United Nations human rights treaty bodies;

3. *Requests* the United Nations High Commissioner for Human Rights, making use of existing mechanisms:

(*a*) To examine the question of the protection of human rights and fundamental freedoms while countering terrorism, taking into account reliable information from all sources;

(*b*) To make general recommendations concerning the obligation of States to promote and protect human rights and fundamental freedoms while taking actions to counter terrorism;

(*c*) To provide assistance and advice to States, upon their request, on the protection of human rights and fundamental freedoms while countering terrorism, as well as to relevant United Nations bodies;

4. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the Commission on Human Rights at its fifty-ninth session and to the General Assembly at its fifty-eighth session.

77th plenary meeting
18 December 2002

[3] Resolution 217 A (III).

[4] See resolution 2200 A (XXI), annex.

General Assembly

Distr.: General
27 February 2003

Fifty-seventh session
Agenda item 109 (*b*)

Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/57/556/Add.2 and Corr.1-3)*]

57/220. Hostage-taking

The General Assembly,

Reaffirming the purposes and principles of the Charter of the United Nations,

Reaffirming also its relevant resolutions and Security Council resolution 1373 (2001) of 28 September 2001,

Recalling the Universal Declaration of Human Rights,[1] which guarantees the right to life, liberty and security of person, freedom from torture or degrading treatment, freedom of movement and protection from arbitrary detention,

Recalling also the Vienna Declaration and Programme of Action, adopted on 25 June 1993 by the World Conference on Human Rights,[2]

Taking into account the International Convention against the Taking of Hostages, adopted by the General Assembly in its resolution 34/146 of 17 December 1979, which recognizes that everyone has the right to life, liberty and security of person and that the taking of hostages is an offence of grave concern to the international community, as well as the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly in its resolution 3166 (XXVIII) of 14 December 1973,

Bearing in mind the relevant Security Council resolutions condemning all cases of hostage-taking, in particular resolution 1440 (2002) of 24 October 2002,

Recalling all relevant resolutions of the Commission on Human Rights on the subject,

Concerned that, despite the efforts of the international community, acts of hostage-taking in different forms and manifestations, inter alia, those committed by terrorists and armed groups, continue to take place and have even increased in many regions of the world,

---

[1] Resolution 217 A (III).

[2] A/CONF.157/24 (Part I), chap. III.

Appealing for the humanitarian action of humanitarian organizations, in particular the International Committee of the Red Cross and its delegates, to be respected, in accordance with the Geneva Conventions of 12 August 1949[3] and the Additional Protocols thereto, of 1977,[4]

Recognizing that hostage-taking calls for resolute, firm and concerted efforts on the part of the international community in order, in strict conformity with international human rights standards, to bring such abhorrent practices to an end,

1. *Reaffirms* that hostage-taking, wherever and by whomever committed, is a serious offence aimed at the destruction of human rights and is, under any circumstances, unjustifiable;

2. *Condemns* all acts of hostage-taking, anywhere in the world;

3. *Demands* that all hostages be released immediately and without any preconditions;

4. *Calls upon* States to take all necessary measures, in accordance with relevant provisions of international law and international human rights standards, to prevent, combat and punish acts of hostage-taking, including by strengthening international cooperation in this field;

5. *Decides* to remain seized of the matter.

77th plenary meeting
18 December 2002

[3] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

[4] Ibid., vol. 1125, Nos. 17512 and 17513.

United Nations A/RES/57/221

General Assembly

Distr.: General
27 February 2003

Fifty-seventh session
Agenda item 109 (*b*)

Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/57/556/Add.2 and Corr.1-3)*]

57/221. Strengthening of the rule of law

The General Assembly,

Recalling that, by adopting the Universal Declaration of Human Rights[1] fifty-four years ago, Member States pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Firmly convinced that the rule of law is an essential factor in the protection of human rights, as stressed in the Declaration, and should continue to attract the attention of the international community,

Convinced that, through their own national legal and judicial systems, States must provide appropriate civil, criminal and administrative remedies for violations of human rights,

Recognizing the importance of the role that can be played by the Office of the United Nations High Commissioner for Human Rights in supporting national efforts to strengthen the institutions of the rule of law,

Bearing in mind that, in its resolution 48/141 of 20 December 1993, the General Assembly entrusted the United Nations High Commissioner for Human Rights with, inter alia, providing advisory services and technical and financial assistance in the field of human rights, enhancing international cooperation for the promotion and protection of all human rights and coordinating human rights activities throughout the United Nations system,

Recalling the recommendation of the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, that a comprehensive programme should be established within the United Nations with a view to helping States in the task of building and strengthening adequate national structures that have a direct impact on the overall observance of human rights and the maintenance of the rule of law,[2]

Recalling also its resolutions 53/142 of 9 December 1998 and 55/99 of 4 December 2000,

---

[1] Resolution 217 A (III).

[2] See A/CONF.157/24 (Part I), chap. III, sect. II, para. 69.

1. *Welcomes* the report of the Secretary-General;[3]

2. *Also welcomes* the efforts of the Office of the United Nations High Commissioner for Human Rights to make the promotion of the rule of law a priority in its technical cooperation programmes;

3. *Notes with appreciation* the increasing number of Member States seeking assistance in strengthening and consolidating the rule of law, which indicates the growing awareness of its importance, and the support provided to these States through the technical cooperation programme of the Office of the High Commissioner, as outlined in the report of the Secretary-General;

4. *Praises* the efforts made by the Office of the High Commissioner to accomplish its ever-increasing tasks, in a wide range of areas, with the limited financial and personnel resources at its disposal;

5. *Expresses its deep concern* about the scarcity of means at the disposal of the Office of the High Commissioner for the fulfilment of its tasks;

6. *Notes with concern* that the United Nations Programme of Advisory Services and Technical Assistance in the Field of Human Rights does not have sufficient funds to provide any substantial financial assistance to national projects that have a direct impact on the realization of human rights and the maintenance of the rule of law in countries that are committed to those ends but are lacking the necessary means and resources;

7. *Welcomes* the deepening of the ongoing cooperation between the Office of the High Commissioner and other relevant bodies and programmes of the United Nations system, with a view to enhancing the system-wide coordination of assistance in human rights, democracy and the rule of law, and in this context notes the cooperation between the United Nations Development Programme and the Office of the High Commissioner in providing technical assistance, at the request of States, in the promotion of the rule of law;

8. *Also welcomes* the assistance of the Office of the High Commissioner in the design of human rights components of United Nations peace operations and in providing advice once they are formed, including in the field of the rule of law;

9. *Reaffirms* that the Office of the High Commissioner remains the focal point for coordinating system-wide attention for human rights, democracy and the rule of law;

10. *Encourages* the United Nations High Commissioner for Human Rights to continue the dialogue between his Office and other organs and agencies of the United Nations system, taking into account the need to explore new synergies with a view to obtaining increased financial assistance for human rights and the rule of law and to promoting inter-agency coordination, funding and allocation of responsibilities in order to improve efficiency and complementarity of action concerning, inter alia, assistance to States in strengthening the rule of law;

11. *Also encourages* the High Commissioner to continue to explore the possibility of further contact with and support from the international financial institutions, acting within their mandates, with a view to obtaining the technical and financial means to strengthen the capacity of his Office to provide assistance to

[3] A/57/275.

national projects aimed at the realization of human rights and the maintenance of the rule of law;

12. *Requests* the High Commissioner to continue to accord high priority to the technical cooperation activities undertaken by his Office with regard to the rule of law and to continue to act as a catalyst in the system by, inter alia, helping other United Nations agencies and programmes, within their respective mandates, to include in their work, as appropriate, attention to institution-building in the area of the rule of law;

13. *Requests* the Secretary-General to submit to the General Assembly at its fifty-ninth session a report on the implementation of the present resolution and the above-mentioned recommendation of the World Conference on Human Rights.

77th plenary meeting
18 December 2002

United Nations A/RES/57/222

General Assembly

Distr.: General
27 February 2003

Fifty-seventh session
Agenda item 109 (*b*)

Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/57/556/Add.2 and Corr.1-3)*]

57/222. Human rights and unilateral coercive measures

The General Assembly,

Recalling its resolutions 51/103 of 12 December 1996, 52/120 of 12 December 1997, 53/141 of 9 December 1998, 54/172 of 17 December 1999 and 55/110 of 4 December 2000, as well as Commission on Human Rights resolution 1998/11 of 9 April 1998,[1]

Reaffirming the pertinent principles and provisions contained in the Charter of Economic Rights and Duties of States proclaimed by the General Assembly in its resolution 3281 (XXIX) of 12 December 1974, in particular article 32 thereof, in which it declared that no State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights,

Taking note of the report submitted by the Secretary-General,[2] pursuant to Commission on Human Rights resolution 1999/21 of 23 April 1999,[3] and the reports of the Secretary-General on the implementation of resolutions 52/120[4] and 55/110,[5]

Recognizing the universal, indivisible, interdependent and interrelated character of all human rights, and, in this regard, reaffirming the right to development as an integral part of all human rights,

Recalling that the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, called upon States to refrain from any unilateral coercive measure not in accordance with international law and the Charter of the United Nations that creates obstacles to trade relations among States and impedes the full realization of all human rights,[6]

---

[1] See *Official Records of the Economic and Social Council, 1998, Supplement No. 3* (E/1998/23), chap. II, sect. A.

[2] E/CN.4/2000/46 and Add.1.

[3] See *Official Records of the Economic and Social Council, 1999, Supplement No. 3* (E/1999/23), chap. II, sect. A.

[4] A/53/293 and Add.1.

[5] A/56/207 and Add.1.

[6] See A/CONF.157/24 (Part I), chap. III, sect. I, para. 31.

Bearing in mind all the references to this question in the Copenhagen Declaration on Social Development, adopted by the World Summit for Social Development on 12 March 1995,[7] the Beijing Declaration and the Platform of Action, adopted by the Fourth World Conference on Women on 15 September 1995,[8] the Istanbul Declaration on Human Settlements and the Habitat Agenda, adopted by the second United Nations Conference on Human Settlements (Habitat II) on 14 June 1996,[9] and their five-year reviews,

Expressing its concern about the negative impact of unilateral coercive measures in the field of international relations, trade, investment and cooperation,

Expressing its grave concern that, in some countries, the situation of children is adversely affected by unilateral coercive measures not in accordance with international law and the Charter of the United Nations that create obstacles to trade relations among States, impede the full realization of social and economic development and hinder the well-being of the population in the affected countries, with particular consequences for women and children, including adolescents,

Deeply concerned that, despite the recommendations adopted on this question by the General Assembly and recent major United Nations conferences and contrary to general international law and the Charter of the United Nations, unilateral coercive measures continue to be promulgated and implemented with all their negative implications for the social-humanitarian activities and economic and social development of developing countries, including their extraterritorial effects, thereby creating additional obstacles to the full enjoyment of all human rights by peoples and individuals under the jurisdiction of other States,

Bearing in mind all the extraterritorial effects of any unilateral legislative, administrative and economic measures, policies and practices of a coercive nature against the development process and the enhancement of human rights in developing countries, which create obstacles to the full realization of all human rights,

Noting the continuing efforts of the Open-ended Working Group on the Right to Development of the Commission on Human Rights, and reaffirming in particular its criteria according to which unilateral coercive measures are one of the obstacles to the implementation of the Declaration on the Right to Development,[10]

1. *Urges* all States to refrain from adopting or implementing any unilateral measures not in accordance with international law and the Charter of the United Nations, in particular those of a coercive nature with all their extraterritorial effects, which create obstacles to trade relations among States, thus impeding the full realization of the rights set forth in the Universal Declaration of Human Rights[11] and other international human rights instruments, in particular the right of individuals and peoples to development;

2. *Also urges* all States to take steps to avoid and to refrain from adopting any unilateral measures not in accordance with international law and the Charter that

---

[7] *Report of the World Summit for Social Development, Copenhagen, 6–12 March 1995* (United Nations publication, Sales No. E.96.IV.8), chap. I, resolution 1, annex I.

[8] *Report of the Fourth World Conference on Women, Beijing, 4–15 September 1995* (United Nations publication, Sales. No. E.96.IV.13), chap. I, resolution 1, annexes I and II.

[9] *Report of the United Nations Conference on Human Settlements (Habitat II), Istanbul, 3–14 June 1996* (United Nations publication, Sales No. E.97.IV.6), chap. I, resolution 1, annexes I and II.

[10] Resolution 41/128, annex.

[11] Resolution 217 A (III).

impede the full achievement of economic and social development by the population of the affected countries, in particular children and women, that hinder their well-being and that create obstacles to the full enjoyment of their human rights, including the right of everyone to a standard of living adequate for their health and well-being and their right to food, medical care and the necessary social services, as well as to ensure that food and medicine are not used as tools for political pressure;

3. *Invites* all States to consider adopting administrative or legislative measures, as appropriate, to counteract the extraterritorial applications or effects of unilateral coercive measures;

4. *Rejects* unilateral coercive measures with all their extraterritorial effects as tools for political or economic pressure against any country, in particular against developing countries, because of their negative effects on the realization of all the human rights of vast sectors of their populations, in particular children, women and the elderly;

5. *Calls upon* Member States that have initiated such measures to commit themselves to their obligations and responsibilities arising from the international human rights instruments to which they are party by revoking such measures at the earliest time possible;

6. *Reaffirms*, in this context, the right of all peoples to self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development;

7. *Urges* the Commission on Human Rights to take fully into account the negative impact of unilateral coercive measures, including the enactment of national laws and their extraterritorial application, in its task concerning the implementation of the right to development;

8. *Requests* the United Nations High Commissioner for Human Rights, in discharging his functions relating to the promotion, realization and protection of the right to development and bearing in mind the continuing impact of unilateral coercive measures on the population of developing countries, to give priority to the present resolution in his annual report to the General Assembly;

9. *Requests* the Secretary-General to bring the present resolution to the attention of all Member States, to continue to collect their views and information on the implications and negative effects of unilateral coercive measures on their populations and to submit an analytical report thereon to the General Assembly at its fifty-eighth session, highlighting the practical and preventive measures in this respect;

10. *Decides* to examine this question on a priority basis at its fifty-eighth session under the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms".

77th plenary meeting
18 December 2002

United Nations A/RES/57/223

General Assembly

Distr.: General
27 February 2003

Fifty-seventh session
Agenda item 109 (*b*)

Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/57/556/Add.2 and Corr.1-3)*]

57/223. The right to development

The General Assembly,

Guided by the Charter of the United Nations, which expresses, in particular, the determination to promote social progress and better standards of life in larger freedom, as well as to employ international mechanisms for the promotion of the economic and social advancement of all peoples,

Recalling that the Declaration on the Right to Development, adopted by the General Assembly in its resolution 41/128 of 4 December 1986, confirmed that the right to development is an inalienable human right and that equality of opportunity for development is a prerogative both of nations and of individuals who make up nations, and the individual as the central subject and beneficiary of development,

Recalling also all its previous resolutions and those of the Commission on Human Rights on the right to development, in particular Commission resolution 1998/72 of 22 April 1998 on the urgent need to make further progress towards the realization of the right to development as set out in the Declaration on the Right to Development,[1]

Reaffirming the objective of making the right to development a reality for everyone, as set out in the United Nations Millennium Declaration, adopted by the General Assembly on 8 September 2000,[2]

Stressing the need for undertaking urgent measures to implement the goals and targets set in all the major United Nations conferences, summits and special sessions, including those of the United Nations Millennium Declaration, which are paramount in the process of the realization of the right to development,

Stressing also that the Vienna Declaration and Programme of Action[3] reaffirmed the right to development as a universal and inalienable right and an integral part of all human rights, and the individual as the central subject and beneficiary of development,

---

[1] See *Official Records of the Economic and Social Council, 1998, Supplement No. 3* (E/1998/23), chap. II, sect. A.

[2] See resolution 55/2.

[3] A/CONF.157/24 (Part I), chap. III.

Reaffirming the solemn commitment expressed at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, from 31 August to 8 September 2001, to promote universal respect for, and observance and protection of all human rights, including the right to development,[4]

Noting the outcomes of the fourth Ministerial Conference of the World Trade Organization, held at Doha from 9 to 14 November 2001,[5] and the International Conference on Financing for Development, held in Monterrey, Mexico, from 18 to 22 March 2002,[6]

Taking note with appreciation of Commission on Human Rights resolution 2002/69 of 25 April 2002,[7] in which the Commission endorsed the agreed conclusions of the Working Group on the Right to Development, adopted by consensus during the Working Group's session, held from 25 February to 8 March 2002,[8]

1. *Endorses* the agreed conclusions of the Working Group on the Right to Development,[8] as adopted by the Commission on Human Rights in its resolution 2002/69,[7] which constitute a solid foundation for further initiatives towards the promotion and the realization of the right to development;

2. *Takes note* of the postponement of the session of the Working Group on the Right to Development, owing to the non-availability of the report on the international development issues, and calls upon the independent expert on the right to development to submit this outstanding report in time for the next session of the Working Group, scheduled to be held from 3 to 14 February 2003;

3. *Stresses* the importance of the core principles, which underpin the purpose of international human rights instruments, such as equality, equity, non-discrimination, transparency, accountability, participation and international cooperation, as critical to mainstreaming the right to development at the international level;

4. *Underlines* the importance of further research and analytical work undertaken by the Office of the United Nations High Commissioner for Human Rights on the above-mentioned core principles, and invites the United Nations High Commissioner for Human Rights, in consultation with the United Nations Conference on Trade and Development, the World Trade Organization and all relevant international organizations and institutions, to submit a report on the importance and application of the principle of equity as a matter of priority, at both the national and international levels, taking fully into account the conclusions of the Working Group on the Right to Development;

5. *Invites*, in the above context, the High Commissioner to solicit the support and cooperation of these organizations in the preparation of the requisite report for submission to the Commission on Human Rights at its fifty-ninth session;

---

[4] See A/CONF.189/12 and Corr.1.

[5] See A/C.2/56/7.

[6] *Report of the International Conference on Financing for Development, Monterrey, Mexico, 18–22 March 2002* (United Nations publication, Sales No. E.02.II.A.7).

[7] See *Official Records of the Economic and Social Council, 2002, Supplement No. 3* (E/2002/23), chap. II, sect. A.

[8] See E/CN.4/2002/28/Rev.1.

6. *Reaffirms* the commitments to implement the goals and targets set in all the major United Nations conferences, summits and special sessions and those undertaken at the Millennium Assembly, in particular, those relating to the realization of the right to development;

7. *Recognizes* that the realization of the right to development is critical to achieving the objectives, goals and targets set in all the major United Nations conferences, summits and special sessions, including those of the United Nations Millennium Declaration;[2]

8. *Reaffirms* the need for an international environment which is conducive to the realization of the right to development;

9. *Reaffirms also* that States have the primary responsibility for the creation of national and international conditions favourable to the realization of the right to development and that they are committed to cooperating with each other to that end;

10. *Reaffirms further* that the realization of the right to development is essential to the implementation of the Vienna Declaration and Programme of Action,[3] which regards all human rights as universal, indivisible, interdependent and interrelated, and which also places the human person at the centre of development and recognizes that, while development facilitates the enjoyment of all human rights, the lack of development may not be invoked to justify the abridgement of internationally recognized human rights;

11. *Emphasizes* the critical importance of identifying and analysing obstacles impeding the full realization of the right to development at both the national and international levels, recognizes that the promotion and protection of human rights, including the right to development, rests with States, as established in article 3 of the Declaration on the Right to Development, and reaffirms the inextricable link between the two;

12. *Underlines* the importance of the continuation of the discussion, within the Working Group on the Right to Development, on the question of a suitable permanent follow-up mechanism to monitor the realization of the right to development;

13. *Affirms* that, while globalization offers both opportunities and challenges, the process of globalization remains deficient in achieving the objectives of integrating all countries into a globalized world, and stresses the need for policies and measures at the national and global levels to respond to the challenges and opportunities of globalization if this process is to be made fully inclusive and equitable;

14. *Recognizes* that, despite continuous efforts on the part of the international community, the gap between developed and developing countries remains unacceptably wide and that developing countries continue to face difficulties in participating in the globalization process, and that many risk being marginalized and effectively excluded from its benefits;

15. *Reaffirms* the commitment, and urges developed countries that have not yet done so, to make concrete efforts towards meeting the targets of 0.7 per cent of their gross national product for official development assistance to developing countries and 0.15 to 0.2 per cent of their gross national product to least developed countries, and encourages developing countries to build on the progress achieved in ensuring that official development assistance is used effectively to help meet development goals and targets;

16. *Emphasizes* the international economic and financial issues that deserve particular attention by the Working Group on the Right to Development, such as international trade, access to technology, good governance and equity at the international level, and the debt burden, in order to consider and evaluate their impact on the enjoyment of human rights and, in this context, looks forward to a preliminary study, as requested by the Commission on Human Rights in its resolution 2001/9 of 18 April 2001,[9] for consideration by the Working Group at its next session;

17. *Recognizes* that historical injustices have undeniably contributed to the poverty, underdevelopment, marginalization, social exclusion, economic disparities, instability and insecurity that affect many people in different parts of the world, in particular in developing countries;

18. *Recognizes also* the need to address market access for developing countries, including in agriculture, services and non-agricultural products, in particular those of interest to developing countries;

19. *Considers* that a desirable pace of meaningful trade liberalization, including in areas under negotiation; implementation of commitments on implementation-related issues and concerns; review of special and differential-treatment provisions, with a view to strengthening them and making them more precise, effective and operational; avoidance of new forms of protectionism; and capacity-building and technical assistance for developing countries are important issues in making progress towards the effective implementation of the right to development;

20. *Recognizes* that poverty eradication is one of the critical elements in the promotion and realization of the right to development, stresses that poverty is a multifaceted problem that requires a multifaceted approach in addressing economic, political, social, environmental and institutional dimensions at all levels, especially in the context of the United Nations Millennium development goal of halving, by the year 2015, the proportion of the world's people whose income is less than one dollar a day and the proportion of people who suffer from hunger, underlines the fact that the international community is far from meeting the target of halving the number of people living in poverty by 2015, and emphasizes the principle of international cooperation, including partnership and commitment, between developed and developing countries;

21. *Recognizes also* the important link between the international economic, commercial and financial spheres and the realization of the right to development and, in this regard, stresses the need to broaden the base of decision-making at the international level on issues of development concern and to fill organizational gaps, as well as strengthen the United Nations system and other multilateral institutions, and also stresses the need to broaden and strengthen the participation of developing countries and economies in transition in international economic decision-making and norm-setting;

22. *Stresses* that the basic responsibility for the realization of all human rights lies with the State, and reaffirms that States have the primary responsibility for their own economic and social development and that the role of national policies and development strategies cannot be overemphasized;

---

[9] See *Official Records of the Economic and Social Council, 2001, Supplement No. 3* (E/2001/23), chap. II, sect. A.

23. *Recognizes* that good governance and the rule of law at the national level assist all States in the promotion and protection of human rights, including the right to development, and agrees on the value of the ongoing efforts being made by States to identify and strengthen good governance practices, including transparent, responsible, accountable and participatory government, that are responsive and appropriate to their needs and aspirations, including in the context of agreed partnership approaches to development, capacity-building and technical assistance;

24. *Recognizes also* the important role and the rights of women and the application of a gender perspective as a cross-cutting issue in the process of realizing the right to development, and notes in particular the positive relationship between women's education and their equal participation in the civil, political, economic, social and cultural activities of the community, and the promotion of the right to development;

25. *Stresses* the need for the integration of the rights of children, boys and girls alike, in all policies and programmes, and for ensuring protection and promotion of those rights, especially in areas relating to health, education and the full development of their capacities;

26. *Recognizes* that measures must be taken at the national and international levels to fight the human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS) and other communicable diseases, taking into account ongoing efforts and programmes;

27. *Recognizes also* the need at the national level for strong partnerships with civil society organizations, including the private sector, in pursuit of poverty eradication and development, as well as for good corporate governance;

28. *Expresses deep concern and anxiety* about growing corporate corruption, in particular the recent disturbing incidents which have a negative impact on the full enjoyment of human rights and undermine the process of the realization of the right to development;

29. *Emphasizes* the urgent need for taking concrete measures, including the repatriation of illegally acquired assets and funds to the countries of origin, to fight against all forms of corruption at the national and international levels, and stresses the importance of a genuine political commitment on the part of all Governments through a firm legal framework;

30. *Supports and appreciates* the recently adopted New Partnership for Africa's Development[10] as a development framework and a practical example that could be explored for the promotion of a rights-based approach to development;

31. *Emphasizes* the need to improve further the activities of the Office of the United Nations High Commissioner for Human Rights towards the promotion and realization of the right to development, including ensuring effective use of the financial and human resources necessary to fulfil its mandate, and better servicing of and support for the Working Group on the Right to Development;

32. *Calls upon* the Office of the High Commissioner to assist effectively in implementing the recommendations contained in the agreed conclusions of the Working Group on the Right to Development, including in particular ensuring the meaningful participation and contribution of all relevant international organizations

[10] A/57/304, annex.

and United Nations specialized agencies, programmes and funds in the next session of the Working Group;

33. *Requests* the Secretary-General to bring the present resolution to the attention of Member States, United Nations organs and bodies, specialized agencies, funds and programmes, international development and financial institutions, in particular the Bretton Woods institutions and non-governmental organizations, and to submit a comprehensive report on the implementation of the present resolution to the Commission on Human Rights at its fifty-ninth session and to the General Assembly at its fifty-eighth session;

34. *Decides* to continue at its fifty-eighth session consideration of the issue of the right to development, as a matter of priority.

77th plenary meeting
18 December 2002

General Assembly

Distr.: General
26 February 2003

Fifty-seventh session
Agenda item 109 (*b*)

Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/57/556/Add.2 and Corr. 1-3)*]

57/224. Enhancement of international cooperation in the field of human rights

The General Assembly,

Reaffirming its commitment to promoting international cooperation, as set forth in the Charter of the United Nations, in particular Article 1, paragraph 3, as well as relevant provisions of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993,[1] for enhancing genuine cooperation among Member States in the field of human rights,

Recalling its adoption of the United Nations Millennium Declaration on 8 September 2000[2] and its resolution 56/149 of 19 December 2001, and taking note of Commission on Human Rights resolution 2002/86 of 26 April 2002 on the enhancement of international cooperation in the field of human rights,[3]

Recalling also the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held at Durban, South Africa, from 31 August to 8 September 2001, and its role in the enhancement of international cooperation in the field of human rights,

Recognizing that the enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations, including the effective promotion and protection of all human rights,

Reaffirming that dialogue among religions, cultures and civilizations in the field of human rights could contribute greatly to the enhancement of international cooperation in this field, and recalling its decision to proclaim the year 2001 as the United Nations Year of Dialogue among Civilizations, as well as its resolution 56/6 of 9 November 2001, entitled "Global Agenda for Dialogue among Civilizations",

Emphasizing the need for further progress in the promotion and encouragement of respect for human rights and fundamental freedoms through, inter alia, international cooperation,

---

[1] A/CONF.157/24 (Part I), chap. III.

[2] See resolution 55/2.

[3] See *Official Records of the Economic and Social Council, 2002, Supplement No. 3* (E/2002/23), chap. II, sect. A.

Underlining the fact that mutual understanding, dialogue, cooperation, transparency and confidence-building are important elements in all the activities for the promotion and protection of human rights,

Recalling the adoption of resolution 2000/22 of 18 August 2000, entitled "Promotion of dialogue on human rights issues", by the Subcommission on the Promotion and Protection of Human Rights at its fifty-second session,[4]

1. *Reaffirms* that it is one of the purposes of the United Nations and the responsibility of all Member States to promote, protect and encourage respect for human rights and fundamental freedoms through, inter alia, international cooperation;

2. *Also reaffirms* that dialogue among cultures and civilizations facilitates the promotion of a culture of tolerance and respect for diversity, and welcomes in this regard the holding of several conferences and meetings at the national, regional and international levels on dialogue among civilizations;

3. *Urges* all actors on the international scene to build an international order based on inclusion, justice, equality and equity, human dignity, mutual understanding and promotion of and respect for cultural diversity and universal human rights, and to reject all doctrines of exclusion based on racism, racial discrimination, xenophobia and related intolerance;

4. *Reaffirms* the importance of the enhancement of international cooperation for the promotion and protection of human rights and for the achievement of the objectives of the fight against racism, racial discrimination, xenophobia and related intolerance;

5. *Considers* that international cooperation in this field, in conformity with the purposes and principles set out in the Charter of the Untied Nations and international law, should make an effective and practical contribution to the urgent task of preventing violations of human rights and fundamental freedoms;

6. *Reaffirms* that the promotion, protection and full realization of all human rights and fundamental freedoms should be guided by the principles of universality, non-selectivity, objectivity and transparency, in a manner consistent with the purposes and principles set out in the Charter;

7. *Calls upon* Member States, specialized agencies and intergovernmental organizations to continue to carry out a constructive dialogue and consultations for the enhancement of understanding and the promotion and protection of all human rights and fundamental freedoms, and encourages non-governmental organizations to contribute actively to this endeavour;

8. *Invites* States and relevant United Nations human rights mechanisms and procedures to continue to pay attention to the importance of mutual cooperation, understanding and dialogue in ensuring the promotion and protection of all human rights;

9. *Decides* to continue its consideration of this question at its fifty-eighth session.

77th plenary meeting
18 December 2002

[4] See E/CN.4/2001/2-E/CN.4/Sub.2/2000/46, chap. II, sect. A.

United Nations A/RES/57/225

General Assembly

Distr.: General
26 February 2003

Fifty-seventh session
Agenda item 109 (*b*)

Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/57/556/Add.2 and Corr. 1-3)*]

57/225. Situation of human rights in Cambodia

The General Assembly,

Recalling its resolution 56/169 of 19 December 2001, Commission on Human Rights resolution 2002/89 of 26 April 2002[1] and previous relevant resolutions,

Recognizing that the tragic history of Cambodia requires special measures to ensure the protection of the human rights of all people in Cambodia and the non-return to the policies and practices of the past, as stipulated in the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict, signed in Paris on 23 October 1991,[2]

Reaffirming that the most serious human rights violations in Cambodia in recent history have been committed by the Khmer Rouge, and acknowledging that the final collapse of the Khmer Rouge and the continued efforts of the Government of Cambodia have provided the basis for the restoration of peace and stability with the aim of achieving national reconciliation in Cambodia and the investigation and prosecution of the leaders of the Khmer Rouge,

I

Support of and cooperation with the United Nations

1. *Requests* the Secretary-General, through his Special Representative for human rights in Cambodia, in collaboration with the office in Cambodia of the United Nations High Commissioner for Human Rights, to assist the Government of Cambodia in ensuring the protection of the human rights of all people in Cambodia and to ensure adequate resources for the continued functioning of the office and to enable the Special Representative to continue to fulfil his tasks expeditiously;

2. *Welcomes* the report of the Secretary-General on the role and achievements of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights[3] and the use of the United Nations Trust Fund for a

---

[1] See *Official Records of the Economic and Social Council, 2002, Supplement No. 3* (E/2002/23), chap. II, sect. A.

[2] A/46/608-S/23177.

[3] A/57/277.

Human Rights Education Programme in Cambodia to finance the programme of activities of the office, and invites the international community to consider contributing to the Trust Fund;

3. *Also welcomes* the report of the Special Representative,[4] encourages the Government of Cambodia to continue its cooperation at all levels of Government, supports the appeals of the Government and the Special Representative to increase international assistance to Cambodia and to continue working towards the reduction of poverty, and encourages donor countries and other relevant parties to follow up their pledges made at the Consultative Group Meeting on Cambodia, held at Phnom Penh on 20 and 21 June 2002;

4. *Further welcomes* the signature of the memorandum of understanding in February 2002 by the Government of Cambodia and the Office of the High Commissioner for the extension of the mandate of the office in Cambodia, and encourages the Government to continue to cooperate with the office in their joint efforts to promote human rights;

5. *Commends* the vital role played by non-governmental organizations in Cambodia, inter alia, in the development of civil society, and encourages the Government of Cambodia to continue to ensure the protection of those human rights organizations and their members and to continue to work closely and cooperatively with them;

II

Administrative, legislative and judicial reform

1. *Acknowledges* the ratification by Cambodia of the Rome Statute of the International Criminal Court;[5]

2. *Notes with concern* the continued problems related to the rule of law and the functioning of the judiciary resulting from, inter alia, corruption and interference by the executive with the independence of the judiciary, welcomes the establishment of the Council of Legal and Judicial Reform, and urges the Government as a matter of priority to increase its budgetary allocation to the judiciary and take the necessary measures to ensure the independence, impartiality and effectiveness of the Supreme Council of the Magistracy and the judicial system as a whole;

3. *Urges* the Government of Cambodia to expedite the adoption of the laws and codes that are essential components of the basic legal framework, including the draft statute on magistrates, a penal code, a code of criminal procedure, a new civil code and a code of civil procedure and to enhance the training of judges and lawyers, and welcomes the opening of the Royal School for Training Judges and Prosecutors and the Centre for Lawyer Training and Professional Improvement of the Bar Association of the Kingdom of Cambodia;

4. *Also urges* the Government of Cambodia to strengthen its efforts to tackle the problems related to land, and notes with concern the remaining problems of land grabbing, forced evictions and further displacement;

5. *Encourages* further efforts by the Government of Cambodia to implement expeditiously and effectively its reform programme, including the Governance Action Plan and military reforms, inter alia, the demobilization programme;

---

[4] A/57/230.

[5] *Official Records of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, Rome, 15 June-17 July 1998*, vol. I: *Final documents* (United Nations publication, Sales No. E.02.I.5), sect. A.

6. *Welcomes* the progress made by the Government of Cambodia to eradicate anti-personnel landmines and to reduce the number of small arms in Cambodia, and encourages the continuing efforts of the Government and the international community to tackle these issues;

7. *Expresses serious concern* that the situation of impunity still exists in Cambodia, recognizes the commitment and efforts of the Government of Cambodia to respond to this problem, calls upon the Government, as a matter of critical priority, to increase its efforts to investigate urgently and to prosecute, in accordance with due process of law and international human rights standards, all those who have perpetrated serious crimes, including violations of human rights;

8. *Welcomes* the progress achieved by the Government of Cambodia in conducting polling for the commune elections in February 2002, encourages the Government to work towards free and fair general elections in July 2003, bearing in mind the serious concerns over acts of intimidation, violence and killings and reports of vote-buying, to investigate fully such acts and to prosecute those responsible, to ensure that similar problems do not occur in connection with the general election and, in particular, to pay close attention to the safety and security of candidates and political activists and to ensure neutrality on the part of State institutions, including an independent national election committee, proper law enforcement and equitable access to all forms of media, including broadcast media, for all parties;

9. *Notes with serious concern* the prison conditions in Cambodia, notes with interest some important efforts to improve the prison system, recommends the continuation of international assistance to improve the material conditions of detention, and calls upon the Government of Cambodia to take further measures to improve the conditions of detention, to provide proper food and health care to prisoners and detainees and to meet the special needs of women and children;

III

Human rights violations and violence

1. *Expresses grave concern* about the continued violations of human rights, including torture, excessive pre-trial detention, violation of labour rights, forced evictions, as well as political violence, police involvement in violence and the apparent lack of protection from mob killings, notes that some progress has been made by the Government of Cambodia in addressing these issues, and urges the Government to take all necessary measures to prevent such violations, including to consider establishing a board of inquiry on the issue of mob killings;

2. *Urges* the Government of Cambodia to combat discrimination in all its manifestations against ethnic minorities and to protect their rights, as well as to meet its obligations as a party to the International Convention on the Elimination of All Forms of Racial Discrimination,[6] inter alia, by seeking technical assistance;

IV

Protection of women and children

1. *Welcomes* the progress made in improving the status of women, including the progress made towards the adoption of the law on prevention of domestic violence and protection of victims of domestic violence, and urges the Government

[6] Resolution 2106 A (XX), annex.

of Cambodia to take further appropriate measures to combat violence against women in all its forms and to take all steps to meet its obligations as a party to the Convention on the Elimination of All Forms of Discrimination against Women,[7] including by seeking technical assistance;

2. *Commends* the Government of Cambodia for its efforts to combat the human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS), while remaining concerned about its increasing incidence;

3. *Welcomes* the series of efforts made by the Government of Cambodia to combat human trafficking, requests the Government and the international community to make concerted efforts comprehensively to address these problems and their underlying causes, while noting with serious concern the growing phenomenon of trafficking in, and sexual exploitation of, women and children;

4. *Welcomes* the ratification by the Government of Cambodia of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography;[8]

5. *Notes with serious concern* the problem of child labour in its worst forms, calls upon the Government of Cambodia to take immediate and effective measures to protect children from economic exploitation and from performing any work that is likely to be hazardous, to interfere with their education or to be harmful to their health, safety or morals, by enforcing Cambodian laws on child labour, the existing Labour Law and anti-trafficking law provisions on behalf of children and prosecuting those who violate these laws, invites the International Labour Organization to continue to extend the necessary assistance in this regard, and encourages the Government to consider ratifying the International Labour Organization Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 (Convention No. 182);

6. *Encourages* the efforts of the Government of Cambodia to improve further the health conditions of children and their access to education, to promote free and accessible birth registration and to establish a juvenile justice system;

V

Conclusion

1. *Encourages* the international community to assist the Government of Cambodia in its efforts to implement the present resolution;

2. *Requests* the Secretary-General to report to the General Assembly at its fifty-eighth session on the role and achievements of the Office of the High Commissioner in assisting the Government and the people of Cambodia in the promotion and protection of human rights and on the recommendations made by the Special Representative on matters within his mandate;

3. *Decides* to continue its consideration of the situation of human rights in Cambodia at its fifty-eighth session under the item entitled "Human rights questions".

77th plenary meeting
18 December 2002

---

[7] Resolution 34/180, annex.

[8] Resolution 54/263, annex II.

General Assembly

Distr.: General
26 February 2003

Fifty-seventh session
Agenda item 109 (*b*)

Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/57/556/Add.2 and Corr.1-3)*]

57/226. The right to food

The General Assembly,

Recalling its resolution 56/155 of 19 December 2001, as well as all Commission on Human Rights resolutions in this regard, in particular resolutions 2000/10 of 17 April 2000[1] and 2002/25 of 22 April 2002,[2]

Recalling also the Universal Declaration of Human Rights,[3] which provides that everyone has the right to a standard of living adequate for her/his health and well-being, including food,

Recalling further the provisions of the International Covenant on Economic, Social and Cultural Rights,[4] in which the fundamental right of every person to be free from hunger is recognized,

Recalling the Universal Declaration on the Eradication of Hunger and Malnutrition,[5]

Bearing in mind the Rome Declaration on World Food Security and the World Food Summit Plan of Action,[6]

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated,

Recognizing that the problems of hunger and food insecurity have global dimensions and that they are likely to persist and even to increase dramatically in some regions unless urgent, determined and concerted action is taken, given the anticipated increase in the world's population and the stress on natural resources,

---

[1] See *Official Records of the Economic and Social Council, 2000, Supplement No. 3* and corrigendum (E/2000/23 and Corr.1), chap. II, sect. A.

[2] Ibid., *2002, Supplement No. 3* (E/2002/23), chap. II, sect. A.

[3] Resolution 217 A (III).

[4] See resolution 2200 A (XXI), annex.

[5] *Report of the World Food Conference, Rome, 5-16 November 1974* (United Nations publication, Sales No. E.75.II.A.3), chap. I.

[6] Food and Agriculture Organization of the United Nations, *Report of the World Food Summit, 13-17 November 1996* (WFS 96/REP), part one, appendix.

Reaffirming that a peaceful, stable and enabling political, social and economic environment, at both the national and the international levels, is the essential foundation which will enable States to give adequate priority to food security and poverty eradication,

Reiterating, as did the Rome Declaration as well as the Declaration of the World Food Summit: five years later,[7] that food should not be used as an instrument of political or economic pressure, and reaffirming in this regard the importance of international cooperation and solidarity, as well as the necessity of refraining from unilateral measures that are not in accordance with international law and the Charter of the United Nations and that endanger food security,

Convinced that each State must adopt a strategy consistent with its resources and capacities to achieve its individual goals in implementing the recommendations contained in the Rome Declaration and the World Food Summit Plan of Action and, at the same time, cooperate regionally and internationally in order to organize collective solutions to global issues of food security in a world of increasingly interlinked institutions, societies and economies where coordinated efforts and shared responsibilities are essential,

Stressing the importance of reversing the continuing decline of official development assistance devoted to agriculture, both in real terms and as a share of total official development assistance,

1. *Reaffirms* that hunger constitutes an outrage and a violation of human dignity and therefore requires the adoption of urgent measures at the national, regional and international levels for its elimination;

2. *Also reaffirms* the right of everyone to have access to safe and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger so as to be able fully to develop and maintain their physical and mental capacities;

3. *Considers* it intolerable that there are around 840 million undernourished people in the world and that every year 36 million people die, directly or indirectly, as a result of hunger and nutritional deficiencies, most of them women and children, particularly in developing countries, in a world that already produces enough food to feed the whole global population, and regrets that this situation at the same time can generate additional pressures on the environment in ecologically fragile areas;

4. *Welcomes* the Declaration of the World Food Summit: five years later, adopted in Rome on 13 June 2002;[7]

5. *Encourages* all States to take steps with a view to achieving progressively the full realization of the right to food, including steps to promote the conditions for everyone to be free from hunger and, as soon as possible, to enjoy fully the right to food, and to elaborate and adopt national plans to combat hunger;

6. *Stresses* the need to make efforts to mobilize and optimize the allocation and utilization of technical and financial resources from all sources, including external debt relief for developing countries, and to reinforce national actions to implement sustainable food security policies;

---

[7] Food and Agriculture Organization of the United Nations, *Report of the World Food Summit: five years later, 10-13 June 2002*, part one, appendix; see also A/57/499, annex.

7. *Invites* all international financial and developmental institutions, as well as the relevant United Nations agencies and funds, to give priority to and provide the necessary funding to realize the aim of halving by the year 2015 the proportion of people who suffer from hunger, as well as the right to food as set out in the Rome Declaration on World Food Security[6] and in the United Nations Millennium Declaration;[8]

8. *Urges* States to give adequate priority in their development strategies and expenditures to the realization of the right to food;

9. *Takes note* of the report of the United Nations Children's Fund entitled *The State of the World's Children, 2002*,[9] and recalls that the nurturing of young children merits the highest priority;

10. *Takes note with appreciation* of the interim report of the Special Rapporteur of the Commission on Human Rights on the right to food,[10] and commends the Special Rapporteur for his valuable work in the promotion of the right to food;

11. *Supports* the realization of the mandate of the Special Rapporteur as established by the Commission on Human Rights in its resolutions 2000/10 and 2002/25;

12. *Expresses its appreciation* to the Special Rapporteur for his effective contribution to the medium-term review of the implementation of the Rome Declaration on World Food Security and the World Food Summit Plan of Action[6] through the submission to the United Nations High Commissioner for Human Rights of his recommendations on all aspects of the right to food, and his participation in and contribution to the proceedings of that event;

13. *Welcomes* the three expert consultations on the right to food convened by the former High Commissioner and her personal commitment to the promotion and realization of the right to food, and expresses its deep appreciation for the comprehensive report submitted by the former High Commissioner to the World Food Summit: five years later;

14. *Welcomes* the decision of the Council of the Food and Agriculture Organization of the United Nations adopted at its one hundred and twenty-third session, to establish an Intergovernmental Working Group as a subsidiary body of the Committee on World Food Security, with the participation of stakeholders, in the context of the Declaration of the World Food Summit: five years later, to elaborate in a period of two years a set of voluntary guidelines to support the efforts of Member States to achieve the progressive realization of the right to adequate food in the context of national food security, and in this regard stresses that the Food and Agriculture Organization of the United Nations will work closely with relevant United Nations bodies, in particular the Office of the United Nations High Commissioner for Human Rights, the Committee on Economic, Social and Cultural Rights and the Special Rapporteur, as well as the two Rome-based food agencies, the International Fund for Agricultural Development and the World Food Programme, noting also the invitation of the Food and Agriculture Organization of the United Nations to other relevant institutions of the United Nations system, treaty

[8] See resolution 55/2.

[9] United Nations publication, Sales No. E.02.XX.1.

[10] See A/57/356.

bodies and the World Trade Organization to collaborate in assisting the Working Group on the basis of their respective mandates;

15. *Encourages* the Special Rapporteur to mainstream a gender perspective in the activities relating to his mandate;

16. *Requests* the Secretary-General and the High Commissioner to provide all the necessary human and financial resources for the effective fulfilment of the mandate of the Special Rapporteur;

17. *Welcomes* the work already done by the Committee on Economic, Social and Cultural Rights in promoting the right to adequate food, in particular its General Comment No. 12 (1999) on the right to adequate food (article 11 of the International Covenant on Economic, Social and Cultural Rights), in which the Committee affirmed, inter alia, that the right to adequate food is indivisibly linked to the inherent dignity of the human person and is indispensable for the fulfilment of other human rights enshrined in the International Bill of Human Rights, and is also inseparable from social justice, requiring the adoption of appropriate economic, environmental and social policies, at both national and international levels, oriented to the eradication of poverty and the fulfilment of all human rights for all;[11]

18. *Requests* the Special Rapporteur to submit a comprehensive report to the Commission on Human Rights at its fifty-ninth session and an interim report to the General Assembly at its fifty-eighth session on the implementation of the present resolution;

19. *Invites* Governments, relevant United Nations agencies, funds and programmes, treaty bodies and non-governmental organizations to cooperate fully with the Special Rapporteur in the fulfilment of his mandate, inter alia, through the submission of comments and suggestions on ways and means of realizing the right to food;

20. *Decides* to continue the consideration of this matter at its fifty-eighth session under the item entitled "Human rights questions".

77th plenary meeting
18 December 2002

---

[11] *Official Records of the Economic and Social Council, 2000, Supplement No. 2* and corrigendum (E/2000/22 and Corr.1), annex V, para. 4.

United Nations A/RES/57/227

General Assembly

Distr.: General
26 February 2003

Fifty-seventh session
Agenda item 109 (*b*)

Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/57/556/Add.2 and Corr.1-3)*]

57/227. Respect for the right to universal freedom of travel and the vital importance of family reunification

The General Assembly,

Reaffirming that all human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated,

Recalling the provisions of the Universal Declaration of Human Rights,[1] as well as article 12 of the International Covenant on Civil and Political Rights,[2]

Stressing that, as stated in the Programme of Action of the International Conference on Population and Development,[3] family reunification of documented migrants is an important factor in international migration and that remittances by documented migrants to their countries of origin often constitute a very important source of foreign exchange and are instrumental in improving the well-being of relatives left behind,

Recalling its resolution 55/100 of 4 December 2000,

1. *Once again calls upon* all States to guarantee the universally recognized freedom of travel to all foreign nationals legally residing in their territory;

2. *Reaffirms* that all Governments, in particular those of receiving countries, must recognize the vital importance of family reunification and promote its incorporation into national legislation in order to ensure protection of the unity of families of documented migrants;

3. *Calls upon* all States to allow, in conformity with international legislation, the free flow of financial remittances by foreign nationals residing in their territory to their relatives in the country of origin;

4. *Also calls upon* all States to refrain from enacting, and to repeal if it already exists, legislation intended as a coercive measure that discriminates against

[1] Resolution 217 A (III).

[2] See resolution 2200 A (XXI), annex.

[3] *Report of the International Conference on Population and Development, Cairo, 5-13 September 1994* (United Nations publication, Sales No. E.95.XIII.18), chap. I, resolution 1, annex.

individuals or groups of legal migrants by adversely affecting family reunification and the right to send financial remittances to relatives in the country of origin;

5. *Decides* to continue its consideration of this question at its fifty-ninth session under the item entitled "Human rights questions".

77th plenary meeting
18 December 2002

United Nations A/RES/57/228

General Assembly

Distr.: General
27 February 2003

Fifty-seventh session
Agenda item 109 (*b*)

Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/57/556/Add.2 and Corr.1-3)*]

57/228. Khmer Rouge trials

The General Assembly,

Recalling that the serious violations of Cambodian and international law during the period of Democratic Kampuchea from 1975 to 1979 continue to be matters of vitally important concern to the international community as a whole,

Recognizing the legitimate concern of the Government and the people of Cambodia in the pursuit of justice and national reconciliation, stability, peace and security,

Recognizing also that the accountability of individual perpetrators of grave human rights violations is one of the central elements of any effective remedy for victims of human rights violations and a key factor in ensuring a fair and equitable justice system and, ultimately, reconciliation and stability within a State,

Conscious that the opportunity to bring those responsible to justice may soon be lost,

Recalling the request made in June 1997 by the Cambodian authorities for assistance in responding to past serious violations of Cambodian and international law,

Recalling also its resolution 56/169 of 19 December 2001, taking note of Commission on Human Rights resolution 2002/89 of 26 April 2002,[1] and recalling further previous relevant resolutions,

Welcoming the efforts of, and the substantial progress made by, the Secretary-General and the Government of Cambodia towards the establishment of Extraordinary Chambers within the existing court structure of Cambodia (hereinafter referred to as Extraordinary Chambers), with international assistance, for the prosecution of crimes committed during the period of Democratic Kampuchea,

Welcoming in particular the promulgation of the Law on the Establishment of the Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed during the Period of Democratic Kampuchea, and noting with

[1] See *Official Records of the Economic and Social Council, 2002, Supplement No.3* (E/2002/23), chap. II, sect. A.

appreciation the general provisions and competence of the Law and its provision for a role for the United Nations,

Noting the statements of the Secretary-General on 8 February and 20 August 2002 concerning negotiations between the Secretary-General and the Government of Cambodia on the establishment of the Extraordinary Chambers,

Welcoming the subsequent discussions between the Secretary-General and the Government of Cambodia on the establishment of the Extraordinary Chambers,

Welcoming also the Joint Communiqué of the thirty-fifth Ministerial Meeting of the Association of South-East Asian Nations, held in Brunei on 29 and 30 July 2002, which, inter alia, expressed support for the continued efforts of the Government of Cambodia to bring the senior leaders of Democratic Kampuchea and those most responsible for serious crimes committed to trial in accordance with international standards of justice, fairness and due process of law and recognized the need for the Government of Cambodia and the United Nations to cooperate in this regard,

Desiring that the international community continue to respond positively in assisting efforts to investigate the tragic history of Cambodia, including responsibility for past international crimes such as acts of genocide and crimes against humanity committed during the regime of Democratic Kampuchea,

1. *Requests* the Secretary-General to resume negotiations, without delay, to conclude an agreement with the Government of Cambodia, based on previous negotiations on the establishment of the Extraordinary Chambers consistent with the provisions of the present resolution, so that the Extraordinary Chambers may begin to function promptly;

2. *Recommends* that the Extraordinary Chambers should have subject-matter jurisdiction consistent with that set forth in the Law on the Establishment of the Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed during the Period of Democratic Kampuchea;

3. *Recommends also* that the Extraordinary Chambers should have personal jurisdiction over the senior leaders of Democratic Kampuchea and those who were most responsible for the crimes referred to in paragraph 2 above;

4. *Emphasizes* that the arrangements for the establishment of Extraordinary Chambers, as devised in particular by the Royal Government of Cambodia, should:

(*a*) Ensure that the Extraordinary Chambers exercise their jurisdiction in accordance with international standards of justice, fairness and due process of law, as set out in articles 14 and 15 of the International Covenant on Civil and Political Rights;[2]

(*b*) Include arrangements for an appellate chamber;

5. *Also emphasizes* the importance of ensuring the impartiality, independence and credibility of the process, in particular with regard to the status and work of the judges and prosecutors;

6. *Appeals* to the Government of Cambodia to ensure that persons referred to in paragraph 3 above are brought to trial in accordance with international

[2] See resolution 2200 A (XXI), annex.

standards of justice, fairness and due process of law, as referred to in paragraph 4 above, and notes the assurances of the Government of Cambodia in this regard;

7. *Requests* the Secretary-General to report to the General Assembly on the implementation of the present resolution, in particular on his consultations and negotiations with the Government of Cambodia concerning the establishment of the Extraordinary Chambers, no later than ninety days from the date of adoption of the resolution;

8. *Also requests* the Secretary-General, if necessary, to send a team of experts to Cambodia as may be required for the preparation of his report;

9. *Further requests* the Secretary-General to include in his report recommendations for the efficient and cost-effective operation of the Extraordinary Chambers, including the amount of voluntary contributions of funds, equipment and services to the Extraordinary Chambers, inter alia, through the offer of expert personnel, that may be needed from States, intergovernmental organizations and non-governmental organizations;

10. *Appeals* to the international community to provide personnel and financial and other assistance to permit the early establishment and the sustained operation of the Extraordinary Chambers.

77th plenary meeting
18 December 2002

United Nations A/RES/57/229

General Assembly

Distr.: General
27 February 2003

Fifty-seventh session
Agenda item 109 (*b*)

Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/57/556/Add.2 and Corr.1-3)*]

57/229. Ad Hoc Committee on a Comprehensive and Integral International Convention on Protection and Promotion of the Rights and Dignity of Persons with Disabilities

The General Assembly,

Recalling its resolution 56/168 of 19 December 2001, by which it established the Ad Hoc Committee on a Comprehensive and Integral International Convention on Protection and Promotion of the Rights and Dignity of Persons with Disabilities, as well as Commission on Human Rights resolution 2002/61 of 25 April 2002 on the human rights of persons with disabilities[1] and Economic and Social Council resolution 2002/7 of 24 July 2002 on a comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities and Council resolution 2002/26 of 24 July 2002 on the further promotion of equalization of opportunities by, for and with persons with disabilities and protection of their human rights,

Stressing the importance of the active participation of non-governmental organizations in the work of the Ad Hoc Committee and the important contribution of non-governmental organizations to the promotion of human rights and fundamental freedoms of persons with disabilities,

Underlining the fact that the consideration of proposals for a convention should complement concrete efforts to mainstream further the disability perspective into the implementation of international obligations and into the monitoring mechanisms of the six core United Nations human rights conventions, as well as into the process of implementing and strengthening the Standard Rules on the Equalization of Opportunities for Persons with Disabilities,[2]

Welcoming the work of national, regional and international meetings of Governments, experts, and non-governmental organizations that contributed to the work of the Ad Hoc Committee,

---

[1] *Official Records of the Economic and Social Council, 2002, Supplement No. 3* (E/2002/23), chap. II, sect. A.

[2] Resolution 48/96, annex.

Reaffirming the need to promote and protect the equal and effective enjoyment of all human rights and fundamental freedoms by persons with disabilities, aware of the contribution that a convention could make in this regard and thus convinced of the need to continue to consider proposals,

1. *Takes note with appreciation* of the report of the Ad Hoc Committee on a Comprehensive and Integral International Convention on Protection and Promotion of the Rights and Dignity of Persons with Disabilities on its first session;[3]

2. *Requests* the Secretary-General to transmit the report of the Ad Hoc Committee to the Commission on Social Development at its forty-first session and to the Commission on Human Rights at its fifty-ninth session;

3. *Decides* that the Ad Hoc Committee should hold, within existing resources, at least one meeting in 2003 of a duration of ten working days, prior to the fifty-eighth session of the General Assembly;

4. *Encourages* States to hold meetings or seminars to contribute to the work of the Ad Hoc Committee, in cooperation with, as appropriate, the Division for Social Policy and Development of the Department of Economic and Social Affairs of the Secretariat, the Office of the United Nations High Commissioner for Human Rights, the Special Rapporteur on disability of the Commission for Social Development, and non-governmental organizations;

5. *Requests* the Secretary-General to seek the views of Member States, observer States, relevant bodies and organizations of the United Nations system, including relevant human rights treaty bodies and the Special Rapporteur, on proposals for a convention including, inter alia, questions relating to its nature and structure and the elements to be considered, including the work done in the field of social development, human rights and non-discrimination, as well as issues of follow-up and monitoring and the complementarity between a new instrument and existing instruments;

6. *Also requests* the Secretary-General to submit to the Ad Hoc Committee at its second session a comprehensive report on the views submitted, to be issued at least six weeks before the commencement of the second session;

7. *Invites* the regional commissions and intergovernmental organizations, within their respective mandates, as well as non-governmental organizations, national disability and human rights institutions and independent experts with an interest in the matter, to make available to the Ad Hoc Committee suggestions and possible elements to be considered in proposals for a convention;

8. *Welcomes* the contributions of the Special Rapporteur and the Office of the United Nations High Commissioner for Human Rights to the work of the Ad Hoc Committee, and invites them to continue to collaborate with the Ad Hoc Committee and with each other in this regard;

9. *Urges* that further efforts be made to ensure the active participation of non-governmental organizations in the Ad Hoc Committee in accordance with General Assembly resolution 56/510 of 23 July 2002 and with the decision of the Ad Hoc Committee on the modalities for the participation of non-governmental organizations in the work of the Ad Hoc Committee;[4]

---

[3] See A/57/357.

[4] Ibid., para. 10.

10. *Also urges* that efforts be made to ensure that accessibility, with reasonable accommodation as regards facilities and documentation, is improved for all persons with disabilities, in accordance with General Assembly decision 56/474 of 23 July 2002;

11. *Requests* the Secretary-General to continue to provide the Ad Hoc Committee with the facilities necessary for the performance of its work and, in this context, invites the Secretary-General to reallocate resources in order to allow the United Nations Programme on Disability to provide the necessary support to the Ad Hoc Committee;

12. *Encourages* Member States to involve persons with disabilities, representatives of disability organizations and experts in the preparatory processes contributing to the work of the Ad Hoc Committee;

13. *Also encourages* Member States to include persons with disabilities and/or other experts in the field in their delegations to the meetings of the Ad Hoc Committee;

14. *Decides* to establish a voluntary fund to support the participation of non-governmental organizations and experts from developing countries, in particular from the least developed countries, and invites Governments, civil society and the private sector to contribute to the voluntary fund;

15. *Requests* the Secretary-General to transmit a comprehensive report of the Ad Hoc Committee to the General Assembly at its fifty-eighth session.

77th plenary meeting
18 December 2002

United Nations A/RES/57/230

General Assembly

Distr.: General
27 February 2003

Fifty-seventh session
Agenda item 109 (*c*)

Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/57/556/Add.3)*]

57/230. Situation of human rights in the Sudan

The General Assembly,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and the duty to fulfil the obligations that they have undertaken under the various international instruments in this field,

Mindful that the Sudan is a party to the International Covenant on Civil and Political Rights,[1] the International Covenant on Economic, Social and Cultural Rights,[1] the Convention on the Rights of the Child,[2] the African Charter on Human and Peoples' Rights[3] and the Geneva Conventions of 12 August 1949 on the protection of the victims of war,[4]

Recalling its previous resolutions on the situation of human rights in the Sudan, and taking note of Commission on Human Rights resolution 2002/16 of 19 April 2002,[5]

Taking note of Security Council resolution 1372 (2001) of 28 September 2001,

Noting with appreciation the recent developments in the peace talks led by the Intergovernmental Authority on Development, and expressing its firm belief that human rights should become a key element in the peace talks in view of the link between sustainable peace and respect for human rights,

1. *Welcomes*:

(*a*) The Machakos Protocol of 20 July 2002 and the announcement that both parties have agreed to a cessation of hostilities in all areas following the signature of the memorandum of understanding between the Government of the Sudan and the Sudan People's Liberation Army/Movement on the resumption of negotiations on peace in the Sudan, the agreement on procedures for the unimpeded access of

[1] See resolution 2200 A (XXI), annex.

[2] Resolution 44/25, annex.

[3] United Nations, *Treaty Series*, vol. 1520, No. 26363.

[4] Ibid., vol. 75, Nos. 970–973.

[5] See *Official Records of the Economic and Social Council, 2002, Supplement No. 3* (E/2002/23), chap. II, sect. A.

humanitarian aid signed by the Government of the Sudan, the Sudan People's Liberation Army/Movement and the United Nations, and the two memorandums signed at the conclusion of the second round of peace talks on 18 November 2002;

(*b*) The extension of the ceasefire agreement in the Nuba Mountains, signed on 19 January 2002 by the Government of the Sudan and the Sudan People's Liberation Army/Movement, as well as the Khartoum agreement to protect civilians and civilian facilities from military attacks, signed by the two parties on 10 March 2002;

(*c*) The commitment of the Government of the Sudan to facilitate the establishment of an independent national institution on human rights;

(*d*) The recent visit of the Secretary-General to the Sudan;

(*e*) The interim report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Sudan[6] and the cooperation extended by the Government to the Special Rapporteur during his visits to the Sudan in February, March and October 2002;

(*f*) The cooperation extended by the Government of the Sudan and the Sudan People's Liberation Army/Movement to other United Nations mandate holders in the field of human rights, as well as their recent cooperation with the United Nations and other humanitarian agencies, to mitigate the effects of war on civilians, and emphasizes the need to adhere to the principle of full, safe and unhindered access and to strengthen the support provided to such agencies;

(*g*) The commitment of the Government of the Sudan to embark on a programme of civic education in democracy and to create an inter-party liaison mechanism in order to foster democratization;

(*h*) The establishment by the Government of the Sudan of an advisory council for Christians and its commitment to appoint Christians to senior executive positions in the Ministry for Religious Affairs and to promote inter-religious dialogue;

(*i*) Decree 14/2002 of 26 January 2002 of the President of the Sudan, by which the Committee for the Eradication of Abduction of Women and Children was re-established and further empowered, the Committee's facilitation of flights for the repatriation of abducted children and the intention of the Government to hold tribal conferences in the Kordofan and Darfur regions, as well as the facilitation and support provided by the Government and the Sudan People's Liberation Army/Movement to the International Eminent Persons Group, which investigated slavery, abduction and forced servitude in the Sudan during its visit in April and May 2002, the report issued by the Group on 22 May 2002[7] and the commitment of the Government and the Sudan People's Liberation Army/Movement to consider implementing the recommendations of the Group;

(*j*) The signing of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict;[8]

---

[6] See A/57/326.

[7] Slavery, Abduction and Forced Servitude in Sudan: report of the International Eminent Persons Group, 22 May 2002, United States Department of State.

[8] Resolution 54/263, annex I.

2. *Expresses its deep concern* at:

(*a*) The impact of the ongoing armed conflict on the situation of human rights and its adverse effects on the civilian population, in particular women, children and internally displaced persons, and at the continuing serious violations of human rights, fundamental freedoms and international humanitarian law by all parties to the conflict;

(*b*) The decision of the Government of the Sudan to maintain the state of emergency until the end of 2002;

(*c*) The occurrence of restrictions on freedom of thought, conscience, religion and belief and on freedom of association, assembly, opinion and expression;

(*d*) The cases of torture and ill-treatment of civilians, extrajudicial summary or arbitrary execution, arbitrary arrest, detention without trial and corporal punishment in its cruellest forms;

(*e*) The negative role of undisciplined southern militias, armed and supported by all parties to the conflict, which are responsible for killings, torture, kidnappings, rape, the burning of villages, the destruction of crops and the theft of livestock;

(*f*) The forced conscription and displacement, enforced or involuntary disappearances and other acts of intimidation and harassment directed against the population;

(*g*) The violation of the rights of women, including discrimination against women and girls, the harassment of women by security forces and the serious human rights abuses, such as killings, rape, abduction and female genital mutilation;

(*h*) The violations of the rights of the child, including the recruitment and use of children as soldiers and the subjection of children to forced labour, in contravention of human rights and international law;

(*i*) The extensive use of the death penalty, contrary to the obligations assumed by the Government of the Sudan under the provisions of the International Covenant on Civil and Political Rights[1] and other human rights instruments, the use of special courts, especially in Darfur, with military personnel appointed as judges and a lack of legal representation, the occurrence of group sentencing and the imposition of the death penalty on persons below 18 years of age at the time of the commission of their crime, contrary to the obligations assumed by the Government of the Sudan under the Convention on the Rights of the Child,[2] all of which raises serious doubts regarding the validity of the legal processes;

(*j*) The abduction of women and children by tribal groups and other militias;

(*k*) The numerous and repeated difficulties encountered by United Nations and humanitarian staff in carrying out their mandate in the Sudan and the conditions imposed on humanitarian organizations, in contravention of humanitarian principles, in particular the denial of access to them, which has had grave consequences for the civilian population affected by the armed conflict and led to the withdrawal of many such organizations prior to the agreement on procedures for unimpeded access of humanitarian aid;

(*l*) The forced displacement of populations in the Sudan as a result of the armed conflict, in particular in areas surrounding the oilfields;

(*m*) The continuation of indiscriminate aerial bombardment of civilian targets and indiscriminate artillery shelling of the civilian population, as well as the use of civilian premises for military purposes;

3. *Urges* all parties to the conflict in the Sudan:

(*a*) To seize the prospect of peace to ensure continuing progress in the fields of human rights, democratization and the rule of law and create a climate of mutual trust and confidence that will be the basis for a viable peace and facilitate reconciliation;

(*b*) To respect and protect human rights and fundamental freedoms, to respect fully international humanitarian law, in particular the need to ensure the protection of civilians and civilian premises, thereby facilitating the voluntary return, repatriation and reintegration of refugees and internally displaced persons to their homes, and to ensure that those responsible for violations of human rights and international humanitarian law are brought to justice;

(*c*) To adhere to agreements signed within the framework of the Machakos Protocol, to take necessary measures to facilitate the peace negotiations and to work actively towards the establishment of a just and viable peace, based on respect of human rights and the principles of democratization and the rule of law, within the context of the Intergovernmental Authority on Development peace process;

(*d*) To enhance the implementation of the Khartoum agreement to protect civilians and civilian facilities from military attacks, and in particular urges the Government of the Sudan to cease immediately all indiscriminate aerial bombardments of and attacks against the civilian population and civilian installations, and the Sudan People's Liberation Army/Movement to cease immediately the indiscriminate artillery shelling of the civilian population, the use of civilian premises for military purposes, the misappropriation of humanitarian assistance and the diversion of relief supplies, including food, from their civilian recipients;

(*e*) To refrain from undertaking military activities as a demonstration of their willingness to seek a peaceful solution to the long-standing conflict and to adhere to a comprehensive ceasefire as part of a just peace negotiation process;

(*f*) To stop the support provided to and use of tribal militias that commit grave human rights abuses;

(*g*) To continue adhering to the agreement on procedures for unimpeded access of humanitarian aid to secure full, safe and unhindered access to all international agencies and humanitarian organizations in order to facilitate by all possible means the delivery of humanitarian assistance, in conformity with relevant provisions of international humanitarian law, to all civilians in need of protection and assistance and to continue to cooperate with the Office for the Coordination of Humanitarian Affairs of the Secretariat and Operation Lifeline Sudan;

(*h*) Not to use or recruit children under the age of 18 as soldiers, to continue demobilizing child soldiers, to refrain from the practice of forced conscription and to fulfil the commitments made concerning the protection of children affected by war, including cessation of the use of anti-personnel landmines, attacks on sites at which there is usually a significant presence of children and the abduction and exploitation of children, as well as to ensure access to and the return of displaced and unaccompanied minors and to reunite them with their families;

4. *Calls upon* the Government of the Sudan:

(*a*) To comply fully with its obligations under international human rights instruments to which the Sudan is a party, to promote and protect human rights and fundamental freedoms and to respect its obligations under international humanitarian law;

(*b*) To fulfil its commitments to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[9] to sign and ratify the Convention on the Elimination of All Forms of Discrimination against Women,[10] and to consider ratifying the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction;[11]

(*c*) To end the state of emergency now that the stated reasons for its imposition have been resolved, namely, through the constitutional amendment allowing the Presidential appointment of governors, and to make further efforts to promote an environment conducive to a genuine process of democratization that reflects the aspirations of the people and ensures their full participation;

(*d*) To end impunity for human rights violations and to try perpetrators in accordance with the rule of law, as well as to strengthen the role of the Advisory Council on Human Rights in the investigation of all reported human rights violations, including acts of torture;

(*e*) To fulfil its commitment to establish an independent national institution on human rights and to create a general legal framework that will facilitate the establishment of organizations in the field of human rights and to further encourage and support the Advisory Council on Human Rights in enhancing the promotion of human rights in the Sudan through its various activities, including its advisory services and advocacy activities;

(*f*) To ensure full respect for freedom of religion and conscience, and in this regard to take measures to end discrimination based on religion;

(*g*) To ensure full respect for freedom of association, assembly, opinion, thought and expression throughout the territory of the Sudan, and to implement fully existing legislation, in particular the Associations and Political Parties Act;

(*h*) To raise the age of criminal responsibility for children in order to take into account the observations of the Committee on the Rights of the Child;

(*i*) To continue and to reinforce its efforts to prevent and stop the abduction of women and children that is taking place within the framework of the conflict in southern Sudan;

(*j*) To make concerted efforts to restrain the activities of the Murahaleen and other tribal militias, to stop financing and equipping them and to uphold suspension of the use of the government train to Bahr-el-Ghazal until such time as peace is established;

(*k*) To cease the forced displacement of populations by any means, in particular in areas surrounding the oilfields, to continue its efforts to address effectively the worsening problem of internally displaced persons, including by

---

[9] Resolution 39/46, annex.

[10] Resolution 34/180, annex.

[11] See CD/1478.

implementing the commitments made to the Special Representative of the Secretary-General on Internally Displaced Persons and by ensuring their access to effective protection and assistance;

(*l*) To liberalize the system for maintaining public order;

(*m*) To implement the Standard Minimum Rules for the Treatment of Prisoners;[12]

(*n*) To ensure that capital punishment will not be imposed for crimes other than the most serious and will not be pronounced in disregard of the obligations assumed under the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child and the provisions of United Nations safeguards;

(*o*) To make further efforts to implement the commitment made to the Special Representative of the Secretary-General for Children and Armed Conflict not to recruit children under the age of 18 as soldiers and to enforce national laws that prevent the recruitment of children in armed conflicts;

5. *Encourages*:

(*a*) The Government of the Sudan to continue its cooperation with the United Nations in the field of human rights through the Special Rapporteur of the Commission on Human Rights and the Office of the United Nations High Commissioner for Human Rights and its expert in Khartoum entrusted with the task of advising the Government on the development of national capacity to promote and protect human rights;

(*b*) The Sudan People's Liberation Army/Movement to allow the people-to-people peace process to develop freely and unhindered and to consider it an important contribution to the peace process;

6. *Calls upon* the international community to expand its support for activities aimed at improving respect for human rights and humanitarian law in the Sudan, in particular those of the Committee for the Eradication of Abduction of Women and Children, to continue assisting national efforts to build up democratic and civil society structures in the Sudan and to consider how to expand the Office of the United Nations High Commissioner for Human Rights to include a monitoring role;

7. *Decides* to continue its consideration of the situation of human rights in the Sudan at its fifty-eighth session, under the item entitled "Human rights questions", in the light of additional elements provided by the Commission on Human Rights.

77th plenary meeting
18 December 2002

---

[12] See *Human Rights: A Compilation of International Instruments*, volume I (First Part) (United Nations publication, Sales No. E.94.XIV.1 (Vol. I, Part 1)).

General Assembly

Distr.: General
28 February 2003

Fifty-seventh session
Agenda item 109 (*c*)

Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/57/556/Add.3)*]

57/231. Situation of human rights in Myanmar

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other human rights instruments,

Reaffirming that all States Members of the United Nations have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in the field,

Aware that Myanmar is a party to the Convention on the Rights of the Child,[3] the Convention on the Elimination of All Forms of Discrimination against Women,[4] the Geneva Conventions of 12 August 1949 on the protection of the victims of war,[5] as well as the Convention concerning Forced or Compulsory Labour, 1930 (Convention No. 29) and the Convention concerning Freedom of Association and Protection of the Right to Organize, 1948 (Convention No. 87), of the International Labour Organization,

Recalling its previous resolutions on the subject, the most recent of which is resolution 56/231 of 24 December 2001, and those of the Commission on Human Rights, the most recent of which is resolution 2002/67 of 25 April 2002,[6]

Recalling resolution I adopted by the International Labour Conference at its eighty-eighth session, on 14 June 2000, concerning the practice of forced or compulsory labour in Myanmar,

---

[1] Resolution 217 A (III).

[2] Resolution 2200 A (XXI), annex.

[3] Resolution 44/25, annex.

[4] Resolution 34/180, annex.

[5] United Nations, *Treaty Series*, vol. 75, Nos. 970–973.

[6] See *Official Records of the Economic and Social Council, 2002, Supplement No. 3* (E/2002/23), chap. II, sect. A.

Affirming that the will of the people is the basis of the authority of government and that the will of the people of Myanmar was clearly expressed in the elections held in 1990,

Affirming also that the establishment of a genuine democratic government in Myanmar is essential for the realization of all human rights and fundamental freedoms,

1. *Welcomes*:

(*a*) The preliminary steps taken by the Government of Myanmar towards democracy, in particular the release from house arrest of Aung San Suu Kyi on 6 May 2002 and her subsequent internal freedom of movement, the release of a number of political prisoners and the relaxation of some constraints on some political activities of the National League for Democracy;

(*b*) The appointment by the International Labour Organization of a liaison officer in Myanmar as a first step towards the establishment of its full and effective representation in Myanmar;

(*c*) The visits to Myanmar by the Special Envoy of the Secretary-General for Myanmar during the past year, the visits by the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar, and the cooperation extended to them by the Government of Myanmar;

(*d*) The continuing cooperation with the International Committee of the Red Cross;

(*e*) The dissemination of human rights standards for public officials and some non-governmental organizations and ethnic groups through the convening of a series of human rights workshops;

2. *Notes* the establishment by the Government of Myanmar of a committee on human rights as a precursor to the establishment of a national human rights commission, which would follow the Principles relating to the status of national institutions for the promotion and protection of human rights annexed to General Assembly resolution 48/134 of 20 December 1993;

3. *Expresses its grave concern* at:

(*a*) The ongoing systematic violation of the human rights, including civil, political, economic, social and cultural rights, of the people of Myanmar;

(*b*) Extrajudicial killings; rapes and other forms of sexual violence carried out by members of the armed forces; torture; renewed instances of political arrests and continuing detentions, including of prisoners who have served their sentences; forced relocation; destruction of livelihoods; forced labour; denial of freedom of assembly, association, expression and movement; discrimination on the basis of religious or ethnic background; wide disrespect for the rule of law and lack of independence of the judiciary; deeply unsatisfactory conditions of detention; systematic use of child soldiers; and violations of the right to an adequate standard of living, in particular food and medical care, and to education;

(*c*) The disproportionate suffering of members of ethnic minorities, women and children from such violations;

(*d*) The situation of the large number of internally displaced persons and the flow of refugees to neighbouring countries;

(*e*) The ever-increasing impact of the human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS) on the population of Myanmar;

4. *Calls upon* the Government of Myanmar:

(*a*) To fulfil its obligations to restore the independence of the judiciary and due process of law, and to take further steps to reform the system of the administration of justice;

(*b*) To take immediate action to implement fully concrete legislative, executive and administrative measures to eradicate the practice of forced labour and to implement fully the recommendations of the Commission of Inquiry established to examine the observance by Myanmar of the International Labour Organization Convention concerning Forced or Compulsory Labour (Convention No. 29);

(*c*) To pursue the dialogue with the International Labour Organization with a view to full and effective representation of the Organization in Myanmar;

(*d*) To ensure safe and unhindered access to the United Nations and international humanitarian organizations and to cooperate fully with all sectors of society by means of consultation, especially with the National League for Democracy and other relevant political, ethnic and community-based groups, to ensure the provision of humanitarian assistance and to guarantee that it does reach the most vulnerable groups of the population;

(*e*) To continue to cooperate with the Special Envoy of the Secretary-General for Myanmar and the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar;

(*f*) To consider as a matter of high priority becoming a party to the International Covenant on Civil and Political Rights,[7] the International Covenant on Economic, Social and Cultural Rights,[7] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[7] the International Convention on the Elimination of All Forms of Racial Discrimination,[8] the Convention relating to the Status of Refugees[9] and the Protocol thereto,[10] the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict[11] and the International Labour Organization Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 (Convention No. 182);

(*g*) To pursue through dialogue and peaceful means an end to conflict with all ethnic groups in Myanmar;

5. *Strongly urges* the Government of Myanmar:

(*a*) To restore democracy and implement the results of the 1990 elections, to ensure that the contacts with Aung San Suu Kyi and other leaders of the National League for Democracy move without delay into substantive and structured dialogue

---

[7] Resolution 39/46, annex.

[8] Resolution 2106 A (XX), annex.

[9] United Nations, *Treaty Series*, vol. 189, No. 2545.

[10] Ibid., vol. 606, No. 8791.

[11] Resolution 54/263, annex I.

towards democratization and national reconciliation and at an early stage to include other political leaders in the talks, including the representatives of the ethnic groups;

(*b*) To end the systematic violations of human rights in Myanmar, to ensure full respect for all human rights and fundamental freedoms, to end impunity and to investigate and bring to justice any perpetrators of human rights violations, including members of the military and other government agents in all circumstances;

(*c*) To facilitate and cooperate fully with an independent international investigation of charges of rape and other abuse of civilians carried out by members of the armed forces in Shan and other states;

(*d*) To release unconditionally and immediately all political prisoners;

(*e*) To put an immediate end to the recruitment and use of child soldiers and to extend full cooperation to relevant international organizations in order to ensure the demobilization of child soldiers, their return home and their rehabilitation;

(*f*) To lift all restraints on peaceful political activity, including guaranteeing freedom of association and freedom of expression, including freedom of the media;

(*g*) To end the systematic enforced displacement of persons and other causes of refugee flows to neighbouring countries, to provide the necessary protection and assistance to internally displaced persons and to respect the right of refugees to a voluntary, safe and dignified return monitored by appropriate international agencies;

(*h*) To recognize further the gravity of the situation regarding HIV/AIDS and the need to take the necessary action to combat the epidemic, including the effective implementation in Myanmar of the United Nations joint action plan on HIV/AIDS, in cooperation with all relevant political and ethnic groups;

6. *Requests* the Secretary-General to continue to provide his good offices and to pursue his discussions on the situation of human rights and the restoration of democracy with the Government and people of Myanmar, to submit additional reports to the General Assembly during its fifty-seventh session on the progress of those discussions, and to report to the Assembly at its fifty-eighth session and to the Commission on Human Rights at its fifty-ninth session on the progress made in the implementation of the present resolution;

7. *Decides* to continue the consideration of this question at its fifty-eighth session.

77th plenary meeting
18 December 2002